

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZACHARY THOMAS ARMSTRONG,

Defendant.

CR 16-09-BU-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 30, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Zachary Thomas Armstrong’s guilty plea after Armstrong appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of the possession

of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2), as set forth in the Superseding Information. Defendant further agrees to the forfeiture allegation in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment previously filed in this matter.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 28), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Zachary Thomas Armstrong's motion to change plea (Doc. 20) is GRANTED and Zachary Thomas Armstrong is adjudged guilty as charged in the Superseding Information.

DATED this 15th day of September, 2016.



Dana L. Christensen, Chief District Judge
United States District Court